

# ***NEWS RELEASE***

## *Nebraska Department of Natural Resources*

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### **Annual Report Relating to Evaluation of River Basins, Subbasins, or Reaches**

The Department of Natural Resources has provided notice to the Tri-Basin Natural Resources District, the Little Blue Natural Resources District, and the Upper Big Blue Natural Resources District that the Department has made a preliminary determination that a portion of these districts is fully appropriated. The Nebraska Ground Water Management and Protection Act, requires the Department of Natural Resources by January 1 of each year beginning in 2006 to complete an evaluation of each of the state's river basins that is not already involved in the integrated management planning process, and to issue a report with its preliminary conclusions as to whether each river basin, subbasin, and reach evaluated is fully appropriated, without the initiation of additional uses. The Department previously provided a draft of the annual report to each of the Natural Resources Districts (NRDs) subject to the annual report and asked for their comments and suggestions. The Department appreciates the input and suggestions received from the NRDs.

Maps of the geographic areas within each basin preliminarily determined to be fully appropriated are available on the Department's website at <http://www.dnr.state.ne.us>.

To complete its evaluation and make its preliminary determination, the Department planned to rely on the COHYST models developed for portions of the upper Platte River Basin by a cooperating group of NRDs, irrigation and power districts, state agencies and others. While the Department anticipated that COHYST would be available to be utilized for the annual report, the Department recently was told that the necessary evaluation using the COHYST model could not be available in time for the Department to issue its report by January 1, as required by law. Therefore the Department had to rely on the best currently available alternative method. However, the Department expects that information from COHYST will be available between the date of its annual report and the date(s) of any required hearings on the preliminary determinations.

As required by law, within 90 days after first publication of notice, the Department will hold one or more hearings the preliminary determinations before issuing its final determination of which areas are fully appropriated. If the Department makes a final determination that the area is fully appropriated, the Department and the NRDs with areas that are fully appropriated will initiate the development of an Integrated Management Plan. The plan must be completed within three to five years of the final determination.

Also as required by law, the Department has placed an immediate stay on the issuance of any new surface water appropriations in the areas preliminarily determined to be fully appropriated and has notified the affected NRDs, there shall be a stay on the issuance of water well construction permits in the ground water portions of the Platte River Basin. Stays shall also be imposed in those ground water portions of the Basin (a) on the construction of certain new water wells unless such construction has commenced prior to the effective date of the stay whether or not a construction permit for such water well has been previously obtained from the Department or the NRD, and (b) on the use of an existing water well to increase the number of acres historically irrigated. In addition, there shall

be, in the surface water portion of the Platte River Basin, a stay on any increase, through use of an existing surface water right, of the number of acres historically irrigated. All of these additional stays will be effective on January 11, 2006, which will be the date ten days after the Department's first newspaper publication, in the Omaha World Herald, of the notice of the preliminary determination of fully appropriated and of such stays.

The stays shall remain in effect at least until the Department has made a final determination about whether such area(s) is/are fully appropriated. If the Department makes a final determination that any such area(s) is/are not fully appropriated, the stays will expire for that area. Notice of any such expiration will be given. For any area subject to a Department final determination that the area is fully appropriated, the stays shall remain in effect until (a) they are terminated pursuant to the Act, (b) an integrated management plan for the affected area has been adopted and has taken effect, (c) the Department has completed a reevaluation of the area and has determined that the affected area is not fully appropriated, or (d) the stays expire pursuant to the provisions of the Act.